

**AGENDA FOR THE  
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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, FEBRUARY 25, 2003 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**  
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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

ITEM-300:               ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, DISCUSSION, HEARINGS  
NOTICED HEARINGS:

ITEM-330: Pacific Highlands Ranch Units 12-16.

Matter of the appeal by Louis E. Goebel, attorney for appellant Robert D. Barczewski from the decision of the Planning Commission in approving an application for a Vesting Tentative Map, Planned Development Permit and Site Development Permit for 47 single-family residences, 694 multi-family units, employment center and Senior/Junior High School site, 13.5 acre community park, dedication of public streets, grading, landscaping and improvements in the public right-of-way located south of Carmel Valley Road and east of Del Mar Heights Road in the RM-1-2, RM-1-3, RX-1-1, IP-2-1 and OC zones of the Pacific Highlands Ranch Subarea Plan.

(See City Manager Report CMR-03-023. VTM-1693/PDP-9181/SDP-9182/MEIR-41-0962. Carmel Valley Community Plan area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in Subitem A to deny the appeal, to uphold the decision of the Planning Commission, and to grant the permit; adopt the resolution in Subitem B to grant the map; and adopt the resolution in Subitem C:

Subitem-A: (R-2003- )

Adoption of a Resolution granting or denying the appeal and granting or denying Planned Development Permit No. 9181/Site Development Permit No. 9182, with appropriate findings to support Council action.

Subitem-B: (R-2003- )

Adoption of a Resolution granting or denying Vesting Tentative Map No. 1693, with appropriate findings to support Council action.

Subitem-C: (R-2003- )

Adoption of a Resolution certifying that the information contained in Findings to a Master Environmental Impact Report No. 41-0962 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by

the City Council;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Findings to a Master Environmental Impact Report is hereby approved;

That pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

### **OTHER RECOMMENDATIONS:**

Planning Commission on December 12, 2002, voted 6-0-0 to approve; was opposition.

Ayes: Garcia, Brown, Lettieri, Schultz, Steele, Anderson

Not present: Chase

There is no City Council recognized Community Planning Group for Subarea III - Pacific Highlands Ranch. For information purposes, plans for the proposed project were forwarded to the Carmel Valley Community Planning Group as the adjacent community. The Carmel Valley Community Planning Board voted, on October 9, 2002, 12-0-1 and 7-4-2 on two motions.

### **CITY MANAGER SUPPORTING INFORMATION:**

#### **BACKGROUND**

In October of 1992, the City Council adopted the North City Future Urbanizing Area Framework Plan. This framework plan established 5 subareas comprising 12,000 acres stretching easterly from Interstate 5 and Carmel Valley, to the Rancho Penasquitos and Rancho Bernardo communities. On July 20, 1999, the City Council adopted the Pacific Highlands Ranch Subarea III Plan.

Subarea III is located in the northwest portion of the NCFUA, and is bounded on the north by Black Mountain Ranch Subarea I to the north, Del Mar Mesa Subarea V to the south, Torrey Highlands Subarea IV lies to the east, and a portion of the developed Carmel Valley community lies to the west. The Pacific Highlands Ranch Subarea encompasses approximately 2,652 acres in the central portion of the North City Future Urbanizing Area. The Pacific Highlands Ranch Subarea land use plan includes approximately 1,300 acres (48 percent) of MHPA open space, up to 5,470 new residential units, three elementary schools, one junior high school, one senior high school, a community park, two neighborhood parks, a branch library, fire station, employment center, transit center, a private high school/church facility, and a mixed-use core. Extensive multiple use, equestrian, hiking, biking and walking trails are proposed throughout the subarea to connect the neighborhoods to schools, the town center, and other regional trail systems.

The Pacific Highlands Ranch Units 12-16 project site includes 248.85-acres and is located primarily in the south-central portion of the oddly shaped Subarea III. The project site is designated by the Pacific Highlands Ranch Subarea Plan for a variety of land uses including a High School, Low Density Residential, and Peripheral Residential. Elevations on-site range from approximately 306 feet above average mean sea level (AMSL) on the mesas throughout the site, to approximately 138 feet above AMSL in the southern project area, just north of Carmel Valley and McGonigle Canyon. Except for existing access roads, construction easements and off-site developed or developing areas to the west and north, the site and surrounding areas are currently being used for rural agricultural purposes. A small remnant area of native chapparral and coastal sage scrub vegetation within the MHPA open space exist in the area west of Unit 12 and Carmel Valley Road. Trails and disturbed areas are scattered throughout the site.

The proposed project implements portions of the Pacific Highlands Ranch Subarea Plan. Units 12-16 represent one phase of an on-going, long-term development effort to establish a master planned mixed-use community that emphasizes resource protection, pedestrian linkages, community facilities, and residential neighborhoods that provide a mix of housing types.

Previously approved phases include Pacific Highlands Ranch Unit 1 (97 single-family homes) approved on January 20, 2000, Pacific Highlands Ranch Units 2-4 (287 single-family homes, 92 affordable housing units, and an Elementary School site) approved on July 19, 2001 and Pacific Highlands Ranch Units 5-11 (999 single-family dwelling units, 108 affordable housing units, a 15-acre elementary school/neighborhood park site, a 2.6-acre private community recreation center) approved on September 24, 2002. Other projects previously approved by the Planning Commission include the Kasai Mondeck Property comprised of 74 dwelling units, the Barczewski Property comprised of 132 dwelling units, and the Cathedral High School Project. Pacific Highlands Ranch Units 17-22 have been submitted and are currently being reviewed by City staff.

At the hearing of December 12, 2002, the Planning Commission certified the Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR-96-7918) and approved the Pacific Highlands Ranch Units 12-16 project, including Vesting Tentative Map No. 1693; Planned Development Permit No. 9181; Site Development Permit No. 9182. At that hearing several persons spoke in favor and in opposition to the project.

### **FISCAL IMPACT:**

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/JSF

### **LEGAL DESCRIPTION:**

The project site is located north of the proposed SR-56 alignment and south of Del Mar Heights/Carmel Valley Roads. Unit 12 of the project borders the west side of Carmel Valley Road and Units 13 and 14 border the east side. Units 15 and 16 are to the east. The project is in the Pacific Highlands Ranch Subarea III Planning Area of the North City Future Urbanizing Area (NCFUA) and is more particularly described as a Subdivision of Parcel 3 of Parcel Map No.

18971/Assessors Parcel Numbers 305-031-05, 305-040-01, and -05, occupying a portion of the west half of the northwest quarter of Section 15, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California.

## ADOPTION AGENDA, DISCUSSION, HEARINGS

### NOTICED HEARINGS:

ITEM-331: Sorrento Valley Road Reuse Project PTS-2698.

Matter of approving, conditionally approving, modifying or denying a Street Vacation, Torrey Pines Community Plan, Local Coastal Program, and Progress Guide and General Plan Amendment to close and vacate Sorrento Valley Road from Carmel Valley Road to Carmel Mountain Road, and remove its classification as a two-lane major street from the circulation element.

**Alternate Actions** related to the vacation of Sorrento Valley Road, between Carmel Mountain Road and Carmel Valley Road, and the implementation of either the Pedestrian Trail/Multi-Use Path Option (Option 1) or the Park Road/Multi-Use Path Option (Option 2). Option 1 consists of a paved multi-use path (bicycle and pedestrian only), an adjacent soft-surface trail, and a soil path along the closed roadway segment. Option 2 consists of a two-way, limited access road and a path from the south closure point to City of San Diego Sewer Pump Station No. 65; and a northbound paved vehicle travel lane, a paved multi-use path (bicycle and pedestrian) and a soil path from the pump station to the north closure point.

The Street Vacation, Torrey Pines Community Plan, Local Coastal Program, and Progress Guide and General Plan Amendment to close and vacate Sorrento Valley Road from Carmel Valley Road to Carmel Mountain Road, and remove its circulation element classification as a two-lane major street is located in the Coastal Zone; therefore the City Council's decision requires amending the City's Local Coastal Program.

**The final decision on this Street Vacation, Community Plan, Local Coastal Program, and Progress Guide and General Plan Amendment to close and vacate Sorrento Valley Road from Carmel Valley Road to Carmel Mountain Road, and remove its circulation element classification as a two-lane major street will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Engineering and Capital Projects Department, Steve Frick, Project Manager at (619) 533-3785 at least five working days prior to the meeting.**

(EIR-42-0026/Amending PG&GP/SV. Torrey Pines Community Plan area.  
District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the Resolutions in Subitems A and B, and C or D:

Subitem-A: (R-2003-975)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR-42-0026, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Sorrento Valley Road Reuse Project;

That pursuant to California Public Resources Code Section 21081 and California Code of Regulations Section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Code of Regulations Section 15093, the City Council adopts the Statement of Overriding Considerations with respect to the project;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-976)

Adoption of a Resolution amending the Torrey Pines Community Plan and Local Coastal Program Land Use Plan, a copy of which is on file in the office of the City Clerk;

That the Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan;

That this amendment is not effective until unconditionally certified by the California Coastal Commission.

Subitem-C: (R-2003-977)

**Option 1**

Adoption of a Resolution certifying that the street as more particularly shown on Drawing No. 19781-B, and described in the legal description marked as Exhibit "A," on file in the office of the City Clerk which is by this reference incorporated herein and made a part hereof, is ordered vacated, reserving therefrom the following easements across the entire area of the vacated street: (1) a pedestrian and non-motor vehicular right-of-way for public ingress and egress together with the right to construct, operate and repair facilities to enhance the enjoyment and safety of such use; (2) a general utility easement for the construction, operation and repair of utility facilities such as, but not limited to, water, drainage, and sewer facilities together with the right of ingress and egress for that purpose; (3) an emergency access easement for ingress and egress of emergency vehicles of all kinds; (4) the rights of any public utility, pursuant to any existing franchise agreement or renewals thereof, at any time, or from time to time, to construct, maintain, operate, and repair overhead or underground lines or pipes, conduits, cables, wires, poles, and other structures, equipment for the transportation of communication signals, and for the transportation and distribution of electrical energy and natural gas, together with all appurtenances thereto, including the right of ingress and egress to such facilities across the above-described portions of the street to be vacated.

That the resolution shall not become effective unless and until the following condition has been met:

a. Adequate turn-around areas must be constructed at the north and south ends of the road closure to the satisfaction of the City Engineer.

The above conditions must be completed within three years following the adoption of this resolution, or this resolution shall become void and be of no further force or effect.

That the City Engineer shall advise the City Clerk of the completion of the aforementioned public improvement, and the City Clerk shall cause a certified copy of this resolution, with drawing and exhibit, attested by him under seal, to be recorded in the office of the County Recorder.

**OR**

Subitem-D: (R-2003-1015)

**Option 2**

Adoption of a Resolution certifying that the street as more particularly shown on Drawing No. 19781-B, and described in the legal description marked as Exhibit "A," on file in the office of the City Clerk which is by this reference incorporated herein and made a part hereof, is ordered vacated, reserving therefrom the



following easements across the entire area of the vacated street: (1) a pedestrian and non-motor vehicular right-of-way for public ingress and egress together with the right to construct, operate and repair facilities to enhance the enjoyment and safety of such use; (2) a limited vehicular right-of-way for public ingress and egress for park purposes during posted park hours as determined by the City Manager, together with the right to construct, operate and repair facilities to enhance the enjoyment and safety of such use; (3) a general utility easement for the construction, operation and repair of utility facilities such as, but not limited to, water, drainage, and sewer facilities together with the right of ingress and egress for that purpose; (4) an emergency access easement for ingress and egress of emergency vehicles of all kinds; (5) the rights of any public utility, pursuant to any existing franchise agreement or renewals thereof, at any time, or from time to time, to construct, maintain, operate, and repair overhead or underground lines or pipes, conduits, cables, wires, poles, and other structures, equipment for the transportation of communication signals, and for the transportation and distribution of electrical energy and natural gas, together with all appurtenances thereto, including the right of ingress and egress to such facilities across the above-described portions of the street to be vacated.

That the resolution shall not become effective unless and until the following condition has been met:

a. Adequate turn-around areas must be constructed at the north and south ends of the road closure to the satisfaction of the City Engineer.

The above conditions must be completed within three years following the adoption of this resolution, or this resolution shall become void and be of no further force or effect.

That the City Clerk shall cause a certified copy of this resolution, with drawing and exhibit, attested by him under seal, to be recorded in the office of the County Recorder.

#### **OTHER RECOMMENDATIONS:**

Planning Commission on January 30, 2003 voted 5-0 to approve; no opposition.

Ayes: Anderson, Chase, Steele, Schultz, Lettieri  
Not present: Garcia, Brown

The Torrey Pines Community Planning Group has recommended approval of this project.

#### **SUPPORTING INFORMATION:**

On March 27, 2001, the City Council adopted Resolution R-294697 directing the City Manager to return to City Council with an action to amend the Torrey Pines Community Plan and Local Coastal Program to delete Sorrento Valley Road, between Carmel Valley Road and Carmel

Mountain Road, as part of the traffic circulation system. City Council Resolution R-294697 further directed the City Manager to return with information on the redevelopment of Sorrento Valley Road with two options for consideration: 1) a recreational amenity for pedestrians and bicyclists, and 2) a limited, one-way vehicular access road open during daylight hours in combination with a pedestrian and bicycle pathway.

The Engineering and Capital Projects Department has prepared both project options and these have been analyzed in Environmental Impact Report LDR-42-0026. The Pedestrian Trail/Multi-Use Path option is the environmentally preferred alternative.

On October 10, 2002, the Torrey Pines Community Planning Group voted 8-0-0 to recommend deleting a portion of Sorrento Valley Road and recommended approval of the community plan amendment for the pedestrian trail and multi-use path option. The Sorrento Valley Road Reuse Task Force has made the same recommendation.

The Planning Commission considered the proposed Torrey Pines Community Plan and Local Coastal Program Amendment and Street Vacation on January 30, 2003. The Planning Commission voted 5-0-0 recommending approval of the project deleting a portion of Sorrento Valley Road and implementation of the Pedestrian Trail/Multi-Use Path Option. Staff concurs.

The proposed street vacation should be considered in the context of recent development of the adjacent roadway network. When Sorrento Valley Road was temporarily detoured in 1995 due to the construction of State Route 56, the existing roadway network was not as developed as it is today and is going to be in the near future. At that time, Carmel Mountain Road and El Cajon Road from Sorrento Valley Road to State Route 56 were utilized from the temporary detour of Sorrento Valley Road. In 2002, Caltrans started the construction of the Interstate 5/Interstate 805 dual freeway which included the planned Interstate 5/Carmel Mountain Road interchange. In 2003, Vista Sorrento Parkway was completed from Sorrento Valley Boulevard to Carmel Mountain Road, providing a north/south frontage road adjacent to the freeway from Mira Mesa Boulevard to State Route 56.

Staff recommends the City Council certify EIR LDR No. 42-0026 with adoption of findings and statement of overriding considerations and adoption of Mitigation Monitoring and Reporting Program, approve the street vacation and adopt the Community Plan and Local Coastal Program Amendment with the Pedestrian Trail/Multi-Use Path option.

### **FISCAL IMPACT:**

Funds for the Sorrento Valley Road project are allocated in CIP-52-330.0.

Ewell/Christiansen/DNJ

### **LEGAL DESCRIPTION:**

The proposal consists of the vacation of Sorrento Valley Road, between Carmel Mountain Road and Carmel Valley Road, and the implementation of either the "Pedestrian Trail/Multi-Use Path Option" or "Park Road/Multi-Use Path Option." The Pedestrian Trail/Multi-Use Path Option

consists of a paved multi-use path, an adjacent soft-surface trail, and a stabilized soil side path along the closed roadway segment. The Park Road/Multi-Use Path Option consists of a two-way, limited access road and a stabilized soil side path from the south closure point to City of San Diego Sewer Pump Station No. 65; and a northbound paved vehicle travel lane, a paved multi-use path, and a stabilized soil side path from the pump station to the north closure point. These two options will be described and analyzed within the EIR at equal levels of detail to afford the decision makers the ability to approve either option without the need for additional environmental review and documentation.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**RESOLUTIONS:**

ITEM-332: Construction of Core District Offsite Improvements.

(See Centre City Development Corporation Report CCDC-03-02. Centre City Community Area. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-962)

Resolution of the City Council of the City of San Diego making certain findings with respect to the payments for construction of certain improvements on portions of 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Avenues from "C" Street to Broadway in the Core Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project.

**NOTE:** See the Redevelopment Agency Agenda of 2/25/2003 for a companion item.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**RESOLUTIONS:**

ITEM-333: North Embarcadero Project Management and Design Funding.

(See Centre City Development Corporation Report CCDC-03-02/CCDC-03-05 dated 2/5/2003. (Columbia Sub Area of the Centre City Redevelopment Project. Centre City Community Area. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-960)

Authorizing the Centre City Development Corporation to expend \$240,000 to satisfy the City's share of the project management and architecture and Engineering Services costs for the schematic design portion of the North Embarcadero Alliance Visionary Plan.

**NOTE:** See the Redevelopment Agency Agenda of 2/25/2003 for a companion item.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**

**SPECIAL HEARING:**

**ORDINANCE TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

ITEM-334: Second Public Hearing - Annual Appropriation Ordinance to Reallocate Monies to the General Fund to Cover Budget Shortfalls for Fiscal Year 2002-2003.

**CITY MANAGER'S RECOMMENDATION:**

Hold the second public hearing and introduce and adopt the following ordinance:

(O-2003-117)

Introduction and adoption of an Ordinance amending the Annual Appropriation Ordinance to reallocate monies to the General Fund to cover budget shortfalls for Fiscal Year 2002-2003.

**NOTE:** Today's action is the second public hearing and introduction and adoption of the ordinance. See Item 201 on the docket of Monday, February 24, 2003 for the first public hearing.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**



THE CITY OF SAN DIEGO  
**MANAGER'S REPORT**

DATE ISSUED: February 19, 2003 REPORT NO. 03-023

ATTENTION: Honorable Mayor and City Council  
Docket of February 25, 2003

SUBJECT: **PACIFIC HIGHLANDS RANCH, UNITS 12 -1 6. PROCESS 4**

REFERENCE: Report to the Planning Commission, Report No. PC-02-222, dated  
December 5, 2002

OWNER/  
APPLICANT: Pardee Homes

**SUMMARY**

Issue(s) - Should the City Council deny the appeal and approve the Pacific Highlands Ranch Units 12-16 project?

Staff Recommendation -

1. Deny the appeal;
2. Certify the information contained in LDR No. 41-0962 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Units 12-16 Project Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) reflect the independent judgement of the City of San Diego as Lead Agency; stating for the record that said Findings to the Pacific Highlands Ranch Subarea Plan Master EIR have been reviewed and considered prior to approving the project; and, adopting the project-specific Mitigation, Monitoring and Reporting Program (MMRP); and
3. Approve the Pacific Highlands Ranch Units 12-16 project, including Vesting Tentative Map No. 1693; Planned Development Permit No. 9181; Site Development Permit No. 9182.

Community Planning Group Recommendation - There is no City Council recognized Community Planning Group for Subarea III - Pacific Highlands Ranch. For information purposes, plans for the proposed project were forwarded to the Carmel Valley community Planning Group as the adjacent community. The Carmel Valley Community Planning Board voted, on October 9, 2002, 12-0-1 and 7-4-2 on two motions. See Discussion section of this report for more information.

Environmental Impact - The City of San Diego as Lead Agency under CEQA has prepared and completed Findings to Master Environmental Impact Report (MEIR) No. 96-7918, File No. 41-0962, dated November 27, 2001. Based on an initial study, the City of San Diego has determined that the Pacific Highlands Ranch Units 12-16 project would not cause any significant effect on the environment not examined in the previously certified MEIR.

Fiscal Impact - All costs associated with the processing of this project are paid from a deposit account maintained by the applicant

Code Enforcement Impact - None with this action.

Housing Impact Statement - Pursuant to the Housing Chapter of the Pacific Highlands Ranch Subarea Plan, the proposed project will provide affordable housing units. The Housing Chapter of the Pacific Highlands Ranch Subarea Plan requires that 20-percent (20%) of the units be provided for occupancy by, and at rates affordable to, families earning no more than 65-percent (65%) of the median area income. The proposed project is consistent with the Pacific Highlands Ranch Subarea Plan Housing Chapter and more specifically, the Master Affordable Housing Program entered into by the City, the Housing Commission, and Pardee Homes. The project will include 507-market rate dwelling units (forty-seven single-family units and 460 multi-family units) and 234-affordable housing dwelling units.

Water Quality Impact - The project is required to comply with the State Water Resources Control Board Order No. 99-08-DWQ (NPDES General Permit No. CAS0000002). Conditions included in the permit and tentative map resolution further require the developer to implement construction and post-construction Best Management Practices.

Traffic Impact - The proposed Pacific Highlands Ranch Unit 12-16 project is estimated to generate approximately 15,383 average daily trips. The project is conditioned to conform to the Subarea III/Pacific Highlands Ranch approved Transportation Phasing Plan and transportation mitigation measures to the satisfaction of the City Engineer.

## BACKGROUND

In October of 1992, the City Council adopted the North City Future Urbanizing Area Framework Plan. This framework plan established 5 subareas comprising 12,000 acres stretching easterly from Interstate 5 and Carmel Valley, to the Rancho Penasquitos and Rancho Bernardo communities. On July 20, 1999, the City Council adopted the Pacific Highlands Ranch Subarea III Plan.

Subarea III is located in the northwest portion of the NCFUA, and is bounded on the north by Black Mountain Ranch Subarea I to the north, Del Mar Mesa Subarea V to the south, Torrey Highlands Subarea IV lies to the east, and a portion of the developed Carmel Valley community lies to the west. The Pacific Highlands Ranch Subarea encompasses approximately 2,652 acres in the central portion of the North City Future Urbanizing Area. The Pacific Highlands Ranch Subarea land use plan includes approximately 1,300 acres (48 percent) of MHPA open space, up to 5,470 new residential units, three elementary schools, one junior high school, one senior high school, a community park, two neighborhood parks, a branch library, fire station, employment center, transit center, a private high school/church facility, and a mixed-use core (Attachment 1). Extensive multiple use, equestrian, hiking, biking and walking trails are proposed throughout the subarea to connect the neighborhoods to schools, the town center, and other regional trail systems.

The Pacific Highlands Ranch Units 12-16 project site includes 248.85-acres and is located primarily in the south-central portion of the oddly shaped Subarea III (Attachment 2). The project site is designated by the Pacific Highlands Ranch Subarea Plan for a variety of land uses including an High School, Low Density Residential, and Peripheral Residential. Elevations on-site range from approximately 306 feet above average mean sea level (AMSL) on the mesas throughout the site, to approximately 138 feet above AMSL in the southern project area, just north of Carmel Valley and McGonigle Canyon. Except for existing access roads, construction easements and off-site developed or developing areas to the west and north, the site and surrounding areas are currently being used for rural agricultural purposes. A small remnant area of native chaparral and coastal sage scrub vegetation within the MHPA open space exist in the area west of Unit 12 and Carmel Valley Road. Trails and disturbed areas are scattered throughout the site.

The proposed project implements portions of the Pacific Highlands Ranch Subarea Plan. Units 12-16 represent one phase of an on-going, long-term development effort to establish a master planned mixed-use community that emphasizes resource protection, pedestrian linkages, community facilities, and residential neighborhoods that provide a mix of housing types.

Previously approved phases include Pacific Highlands Ranch Unit 1 (97 single-family homes) approved on January 20, 2000, Pacific Highlands Ranch Units 2-4 (287 single-family homes, 92 affordable housing units, and an Elementary School site) approved on July 19, 2001 and Pacific Highlands Ranch Units 5-11 (999 single-family dwelling units, 108 affordable housing units, a 15-

acre elementary school/neighborhood park site, a 2.6-acre private community recreation center) approved on September 24, 2002. Other projects previously approved by the Planning Commission include the Kasai Mondeck Property comprised of 74 dwelling units, the Barczewski Property comprised of 132 dwelling units, and the Cathedral High School Project. Pacific Highlands Ranch Units 17-22 have been submitted and are currently being reviewed by City staff.

At the hearing of December 12, 2002, the Planning Commission certified the Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) and approved the Pacific Highlands Ranch Units 12-16 project, including Vesting Tentative Map No. 1693; Planned Development Permit No. 9181; Site Development Permit No. 9182. At that hearing several persons spoke in favor and in opposition to the project.

## DISCUSSION

The appellant has several concerns. The appellant's attorney submitted the appeal citing four reasons for the appeal (Attachment 3). The appeal is based on: 1) Factual Error; 2) New Information; 3) City-wide Significance; and 4) Findings Not Supported. The attorney has presented information on the One, Two and Four reasons of the appeal. No information was presented addressing in the appeal citing reasons of City-wide Significance. The appellant's concerns as stated are noted in the underlined text below. Staff's comments on each issue follow in regular text.

### I. Factual Error:

#### The School site lay-out accurate or complete.

Staff disagrees. The proposed project does not include or require the approval of the San Dieguito Union High School District's new Pacific Highlands Ranch High School site plan. All site plans of the Pacific Highlands Ranch High School presented during the Planning Commission hearing were for information purposes only. The San Dieguito Union High School District is not required to obtain approval by the City of San Diego for their design of the high school.

The appellant's attorney has not indicated why the school site layout is a factual error and basis for appeal if in their written materials the school site lay-out is cited as accurate or complete. No additional information has been presented.

### II. New Information

Appellant did not speak in opposition to application because just before Planning Commission hearing, Applicant and its agents agreed with Appellant to hold a meeting within four business days with Appellant and Applicant's technical experts and others and consider and resolve Appellant's issues. Applicant never held the meeting and delayed further discussion.



Heavy rains after Planning Commission hearing confirm Appellant's concern with drainage issues and other water and soil issues.

The appellant filed a speaker slip in opposition to the project prior to the item being heard by the Planning Commission. When called by the Planning Commission Chairman, the appellant declined to speak. City staff cannot concur that an agreement made to meet and discuss private issues forms a valid basis for appeal. New information affecting the decision of the Planning Commission would be something of direct impact to the decisions made by the Planning Commission. For example, a City regulation which requires approval of an action not included in the Planning Commission decision, information required to be considered in the environmental document yet not analyzed, or a misrepresentation of facts which were relied upon by the decision-maker in their action. No such information has been presented as the basis for this appeal.

The appellant was sent a Notice of Application, in accordance with the regulations of the Land Development Code for public noticing, when the City's Development Services Department received the applicant's application for discretionary action. In this way the appellant was made aware that an application had been received by the City. The Development Project Manager (DPM) was identified on the notice of application as the contact for additional information should the appellant have concerns about the project,. The appellant did not contact the DPM. The project application was presented to the Carmel Valley Community Planning Board (Board) several times for information and on October 9, 2002, the Board voted 12-0-1 and 7-4-2 on two motions to recommend approval of the application. The application process required a total of thirteen months, thirteen days as the City staff and the applicant resolved issues identified by staff. During this time period the appellant had not contacted City staff to make known his issues with the project or submitted any letters to that effect.

The appellant's attorney has not provided any additional detailed information to further explain why rains after the Planning Commission hearing present a basis to appeal the project. The project site is not up-stream of any of the appellant's properties. The applicant's grading and drainage design will direct all runoff into drainage facilities conveying the water safely in proposed storm drains from the northern side of State Route 56 under the freeway and into detention basins south of the freeway to be treated and released into Carmel Valley Creek. The Master Runoff Plan for Pacific Highlands Ranch has been reviewed and approved by the City Engineer with the approval of previous projects in Pacific Highlands Ranch.

### III. Findings Not Supported

No graphics or other method to show how these units will be integrated into the overall plan as required by Master Plan.

Staff disagrees. City staff assigned to review the proposed project is composed of a team of disciplines. These staff members are responsible for reviewing the proposal against all applicable regulations and policies adopted by the City Council. This review includes reviewing the Pacific Highlands Ranch Subarea Plan (Plan) to assure the proposed project is consistent with the policies and direction contained in the Plan. Processing of the application included four review cycles to resolve all issues identified by staff's review. The determination of staff is the proposed project is consistent with the goals, policies and direction contained in the Plan and the proposed project will integrate with the other units being developed in the Plan area. Staff have written draft findings supporting the approval of the project.

Graphic plans were presented to the Planning Commission in Report No. PC-02-222 indicating the Plan Land Use Map (Attachment 1) and the project plans (Attachments 5-19, 23-29) are consistent with the land uses identified by the Plan. Staff has determined the proposed project will not adversely affect the applicable land use plan. Draft findings were presented to the Planning Commission as Attachments 21 and 22 supporting the approval of the project.

#### Planning Commission Decision

During the December 12, 2002 hearing the Planning Commission discussed the layout of the proposed Pacific Highlands Ranch High School and concerns of the integration of the proposed project to other units in the Plan area. The Commissioners considered all testimony and voted 6:0:0 to approve the project.

#### Public and Community Input

During the review of the submitted project, no letters were received concerning the project from interested citizens. Letters were received from the San Dieguito Union High School District and the Carmel Valley Community Planning Board.

### CONCLUSION

City staff recommends the City Council deny the appeal and uphold the Planning Commission decision of certification and approval with all conditions for this project. The proposed Pacific Highlands Ranch Units 12-16 project conforms to the land use density, land use designation and design guidelines specified of the Pacific Highlands Ranch Subarea III Plan. The project provides the required pedestrian scale improvements and connections to other existing

developments, and is compatible with surrounding planned developments. Draft conditions of approval have been prepared for the project (Attachment 20 and 21). Findings required to approve the project are included in two draft resolutions (Attachment 21 and 22).

ALTERNATIVE(S)

1. Deny the appeal and approve the project with modifications to the planned development/site development draft permit, and/or tentative map conditions.
2. Approve the appeal and deny the proposed project if it is determined the required findings of fact cannot be affirmed.

Respectfully submitted,

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Tina P. Christiansen, A.I.A.  
Development Services Director

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Approved: P. Lamont Ewell  
Assistant City Manager

CHRISTIANSEN/JSF

Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

ATTACHMENTS:

1. Pacific Highlands Ranch Subarea III Plan Land Use Map
2. Community Planning Group Recommendation
3. Development Permit Appeal Application
4. Project Vicinity Map
5. Overall Site Plan
6. Unit 12; Site Plan and Map
7. Unit 12; Architectural Elevations and Floor Plans
8. Unit 13; Site Plan and Map
9. Unit 13; Architectural Elevations
10. Unit 13; Floor and Roof Plans
11. Unit 14; Site Plan and Map
12. Unit 15; Site Plan and Map
13. Unit 16; Site Plan and Map
14. Unit 16; Architectural Elevations
15. Unit 16; Floor Plans
16. Unit 13; Recreation Building Architectural Elevation, Floor and Roof Plan
17. Unit 16; Recreation Building Architectural Elevation and Floor Plan

18. Street "A" alignment study
19. Landscape Development Plan
20. Draft Permit
21. Draft Tentative Map Resolution
22. Draft Permit Resolution
23. Site Sections
24. Existing Conditions and Topography
25. Earthwork exhibit
26. Slope Analysis
27. Unit 13; Pedestrian Circulation plan
28. Units 13 & 16; Pedestrian Plan
29. Unit 13; Open space exhibit
30. Ownership Disclosure Statement
31. Project Chronology
32. Project Data Sheet